

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

06-686

United States District Court		District <u>1:06-CV-573 JJ.F.</u>
Name <u>Romano Paul F JR</u>	Prisoner No. <u>172653</u>	Case No.
Place of Confinement <u>C-UOP 875 Smyrna Landing Rd Smyrna Del.</u>		
Name of Petitioner (include name under which convicted) <u>PAUL F. ROMANO JR.</u>		Name of Respondent (authorized person having custody of petitioner) <u>DOC. C-UOP</u>
The Attorney General of the State of: <u>Delaware: Carl Dawberg</u>		

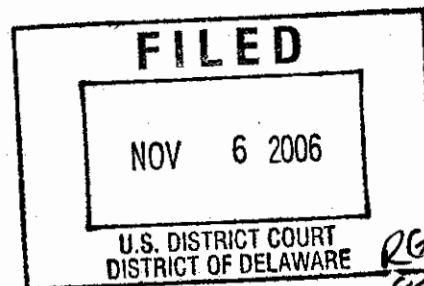
PETITION

- Name and location of court which entered the judgment of conviction under attack NCC Superior Court 500 Nth King Str Wil. Del. 19801
- Date of judgment of conviction 4-13-06
- Length of sentence 2yrs Level II Suspend After 14 days Hold Level III
Bed space Available Level II Crest 18 months after/ear.
- Nature of offense involved (all counts)
UOP - Forg 2nd
- What was your plea? (Check one)
 - (a) Not guilty ☐
 - (b) Guilty ☒
 - (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

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- If you pleaded not guilty, what kind of trial did you have? (Check one)
 - (a) Jury ☐
 - (b) Judge only ☐
- Did you testify at the trial?
Yes ☐ No ☐
- Did you appeal from the judgment of conviction?
Yes ☐ No ☒



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9. If you did appeal, answer the following:

- (a) Name of court _____
- (b) Result _____
- (c) Date of result and citation, if known _____
- (d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court _____
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court Superior court Review of sentence
- (2) Result Denial
- (3) Date of result and citation, if known September 13th, 06
- (4) Grounds raised Doc. Modified sentence without Judges
Consent Change Illegal Court order

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Superior Court
- (2) Nature of proceeding modification & appeal
- (3) Grounds raised Failure Due Process, cruel & unusual Punishment
Excessive Punishment, Tampering w/ Court Documents

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☒ No ☐

(2) Second petition, etc. Yes ☒ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Tampering with Court Documents
Exhibit "A"

Supporting FACTS (state briefly without citing cases or law) failed to Release

on 4/13/06 court Richard R. Coach
Sentence was 2yrs Level IV suspended After
14 days Hold At Level III upon Bed space Level IV
Grant upon successful completion 18 months Level III
with After care.

B. Ground two: Calibration!

Supporting FACTS (state briefly without citing cases or law): Counselor's named in
case were Presented with question of why am I
Here Told me My Sentencing order sentenced me
Here! C-up Civigenits not Crest
Probation & Parole officer Ms. Williams said
My Level III was Revoked not true Level II
was. "Resentenced."

Exhibit A

Offender Status Sheet

Date: 10/18/2006

SBI #: 00172653 Name: PAUL F ROMANO Sex: M
 Location(s): CVOP Level(s): 4 Race: WHITE DOB: 07/01/1964 Sex Offender: []
 AKA: PAUL F ROMANO; PAUL ROMANO; PAUL F ROMANO
 Offender Type: Sentenced Officer(s):

Level: 4

Start Date: 04/13/2006 MED: 03/29/2008 STRD: 02/01/2008 ADJ: 02/01/2008 PED: Statutory Days Earned: 57.00

CASE#/ Court/ Type	CRA#/ Judge	Charge Desc/ Sen. Type/ Sentence Date	Status/ Eff. Date	Length			Start Dt	MED	STRD	Adj Date	CR/Wk
				Y	M	D					
0511005411	VN0511191301	VOP (FORGERY 2ND)	Current	1	11	17	04/13/2006	03/29/2008	02/01/2008	02/01/2008	
U7	Richard R Cooch	STANDARD	04/13/2006	03/30/2006							

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
VN0511191301	4	CRT1	Other Conditions:	SENTENCED TO 2Y L5 SUSP. AFTER 14D FOR BAL. @ L4 CREST. UPON SUCCESSFUL COMPLETION OF L4 CREST, BAL. IS SUSP. FOR 18M L3 CREST AFTERCARE./CAR

New status sheet Received on 10/18/06

Williams

Where is Hold At Level III

SENTENCING WORKSHEET

SHH

DEFENDANT NAME: ROMANO, PAUL F. AKA: ROMANO, PAUL F.

ID NUMBER: 0511005411 DOB: 7/1/64

CHARGE: VOP FORG. 2ND

Cr.A. VN05111913-01

FINANCIAL

☐ Pay Costs ☐ PD Fee/Conflict ☐ 15% ☐ 18% ☐ Civil Penalty ☐ CCE to collect

☐ Costs Suspended ☐ Surcharges ☐ Pay Fine: \$ ☐ Civil Judgment: \$ ☐ Deemed uncollectible

☐ SARTEP ☐ Amount Suspended \$ ☐ Transferred to: Cr.A. _____

☒ VOP/Contempt ☒ Revoked ☐ Not Found ☐ Continued ☐ Modified ☐ Discharged ☐ Withdrawn ☐ Dismissed

☐ Resent/Review ☐ Boot Camp/ Diversion ☐ Boot Camp ☐ 4177(d)(5) ☐ GSP

Effective: _____ Deferred DATE: _____ Facility: _____

Be imprisoned for 2 years _____ months _____ days At level 5

Level 5 Treatment: _____

☐ Min. Mandatory time: _____ ☐ Credit For: _____

Title/Sec: _____ ☐ No Credit Time Due

☐ Suspended Immediately ☐ Suspended Time Served

☒ Suspended After 14 days ☒ for Bal at level 4

☒ Suspended After 452 ☒ for 18 mo at level 3

☐ Suspended After _____ ☐ for _____ at level _____

☐ Crest / Work Rel / Home conf / VOP center

☐ Crest / Work Rel / Home conf / VOP center

☐ Crest / Work Rel / Home conf / VOP center

where is the Rest of my
Sentence worksheet

Doc covered up This section

Offender Status Sheet

Date: 04/13/2006

SBI #: 00172653 Name: PAUL F ROMANO

Location(s): SCCC DO52 Level(s): 5,2 Race: WHITE DOB: 07/01/1964

AKA: PAUL ROMANO; PAUL F ROMANO; PAUL F ROMANO

Offender Type: Sentenced, Sentenced Probationer Officer(s): Sweeney, Kate (52)

Level 5											
Start Date: 03/31/2006			MED: 04/13/2006			STRD: 04/13/2006			ADJ: 04/13/2006		
CASE#			Charge Desc			Status			Length		
Court/Type			Sen. Type/ Sentence Date			Eff. Date			Y M D		
0511005411			VOP (FORGERY 2ND)			Current			0 14		
U7			STANDARD			04/13/2006			03/30/2006		

Special Conditions:

CRA#	Level	Code	Condition Description	Condition Comments
VN0511191301	5	CRT1	Other Conditions:	SENTENCED TO 2Y L5 SUSP. AFTER 14D L5 FOR BAL. @ L4 CREST/CAR

Your sent order read the same as your
Status Sheet

1-4

Certificate of Service

I, Paul F. Romano, hereby certify that I have served a true and correct cop(ies) of the attached: Sentence Modification of sentence upon the following

parties/person (s):

TO: Judge Richard B. Cooch
500 nth King Str
Wil. Del. 19801

TO: Attorney Generals' off.
8th Floor Carol State Bld
820 nth French Str
Wil. Del. 19801
ATT Carl Danberg

TO: Prothonotary
Superior Court
ATT Clerk of Court
500 nth King Str.
Wil. Del. 19801

TO: Attorney General's office
8th Floor Carol State Bld.
820 nth French Str.
Wil. Del. 19801
ATT Carl Danberg

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977, postage to be paid by the Dept. Of Corrections.

On this 20 day of October, 2006

Respectfully

Paul F. Romano
10/20/06

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SBI #

2/4

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE)

V.)

Romano Paul F.
 Correct Full Name of Movant)

N/A
 Movant's Alias(es), if any)

DOB: 7/1/64
 SBI Number: 172653)

Defendant Paul F. Romano JR.)

Cr. A. No. VN-0511-191301I.D. No. 0511005411 (if known)

MOTION FOR

Modification
 (Sentence Reduction/ Modification)

1. The Court imposed Movant's sentence on the following date:
4/13/06
2. The judge who imposed the sentence was Judge Richard R. Cooch
3. Offenses for which Movant was sentenced and length of sentence(s):
HOLD Level III T.14 Bad Space Available Level III
2yrs Level IV Susp. After 14 D L.V. For Bal @
L IV Crest / After Care 18 months
4. State the grounds upon which you believe that the Court should modify or reduce your sentence. You must state the relevant facts in support of the grounds you raise:

3/4

Ground one: Failed To ReleaseSupporting facts: Sentence order statedHold Level III Till Bed space Level IIIAvailable, Doc failed to Release.Then modified Paper work.Ground two: Contradiction In words

Supporting facts:

successful completion - 2 suspended forCrest 18 months after care, onlyAllows 6 months for Crest notNew Horizons, CivigenitsGround three: Crest vs Civigenits

Supporting facts:

I WAS sentenced on 4/13 to Crest when
Bed space was Available Plummer Center
Wilmington, Doc failed to Release me!Then forced me to complete Civigenits extending
Time over what sentencing order allows6 months Crest - 18 months after I care!Ground four: Failure to meet criteria

Supporting facts:

Civigenits is a therapeutic communityMy sentence was Drug Related where Iwas sentenced to Bardwine CounselingDrug Program not a Behavioral Program.Also lost Everything - Home, Belongings etc.Do to Doc failure to Release then Alter Documents.

EXHIBIT 1184

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Wherefore, in light of the above, movant asks that the Court modify/ reduce his sentence as follows:

I know have 8 months complete on 2 yrs.
2 months over allowed amount
Release from Level III Back to Level II
with outside Treatment which was first
sentenced for remainder of time left of
sentence.

Pro-se

Signature of attorney (if any)

I declare the truth of the above under penalty of perjury.

10/20/06

Date signed

Paul F. Romano Jr.

Signature of movant

(Notarization not required)

Paul F. Romano JR

SBI # 172653

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EXHIBIT "C"

IN THE Superior Court of THE State of Delaware

Romano Paul F. JR.Defendant
Appellant,No: 0511005411

vs.

Richard R. Cooch.Respondent Below
AppelleeNOTICE OF APPEALTO: Judge Richard R. Cooch
Superior Court South
King St.
Wil. Del. 19801

PLEASE TAKE NOTICE that Romano Paul F. JR.,
Superior Court below Appellant does hereby Appeal to the Superior
 Court of the State of Delaware From the order denying Defendant post-conviction
motion
 of the Superior Court and For NEW CASTLE
County by Richard R. Cooch & Dated 4-13-06 & In case
 Number 0511005411 in that court A copy of the Decision sought to
 be reviewed is) || Attached Here to || is not available

The name and address of the attorney below for Appellee is N/AState of Delaware Superior Court . The.

Party Against whom the Appeal is taken is Richard R. Cooch

The name and address of the Attorney below for the Party Against whom
The Appeal is not taken is Pro Se, SCT, Route 113, Po Box 500
Georgetown, DE, 19947 The party against whom the appeal is not
taken is Romano Paul F. JR.

Please Take Further notice that appellant hereby designates
the transcript in accordance with Rule 7(c)(6) and 9(e)(ii) in the following
manner. The preparation of the transcripts is not Required
See Exhibit A.

Dated: 10/17/06

Paul F. Romano Jr
Sussex County (Inst)
Route 113 Po Box 500 Georgetown
Delaware, 19947
Attorney for Pro Se Paul F. Romano Jr
Below Appellant

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Exhibit A

ON 4/13, I WAS Released from Level II to Level III Hold Awaiting Bedspace Level IV Crest Plumber Center. SVOB Violated My Court order failure to Release to Level III.

After I wrote Records At SVOB they Realized that they made a mistake and sent me to CUOP 6 days later 4/19, where they Immediately Placed me Into Civigenits Primer 2nd violation of my court order, Inclosed is a copy of my court work sheet which CUOP + SVOB covered up + Remaid my sentence order statis sheet.

I AM Currently At CUOP where I Attended Civigenits Primer And Passed, not Crest, I WAS Sanctioned for a Basic Infraction, over 57 days when I Returnal, I signed out To only get another sanction For 60 days, my Attempt to see my Judge, I HAVE 8 months In level IV and HAVE not made Phase III Because of these sanctions And Further set Backs from work Release Crest. I WAS sentenced to Level IV Crest Does court HAVE Jurisdiction!

I AM know sueing the conslors of Crest Civigenits Primer so know I HAVE a conflict of difference?

I Ask for Relief!

Violations :

- ! Failure to due Process
- ! Crule & unusual Punishment
- ! Excessive Punishment.
- ! Tampering with Court Documents

Paul Romanoff

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Romano Paul F. JR.
Defendant

NO: 0511005411

Richard R. Coach
Respondent

Forma Pauperis

ON This day 20, October, 2006 I Hereby
Request for Relief of Payment of Filing fees
I AM currently IN CUAP And such forms are not
Available, Please Except this form AS A 28 U.S.C. §
1915 28 U.S.C. § 1915 (B) Please Accept Appeal.

Respectfully:
Paul F. Romano Jr.
Paul F. Romano JR
SBI # 172653

Certificate of Service

I Paul F. Romano JR. : Swear under Penalty
of Perjury that I Have Mailed a True
Copy of the Enclosed letter Requesting specific Performance
of the court order to Richard R. Coach, 520th King Str.
Wilmington, Dela. 19801 1st class Postage Prepaid By
Prision Authorities by depositing same as U.S. Mail.
Box at the Coop Central, Smyrna, Delaware 19977.
on the 17 day of October, 2006

Paul F. Romano 10/17/06

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C. Ground three: Exhibit "B" 1-4

Supporting FACTS (state *briefly* without citing cases or law): Exhibit "C"

D. Ground four Exhibit "C" 1-5

Supporting FACTS (state *briefly* without citing cases or law):

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes ☒ No ☐

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Pro. Sec. 1A

(b) At arraignment and plea N/A

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- (c) At trial _____
- (d) At sentencing _____
- (e) On appeal _____
- (f) In any post-conviction proceeding _____
- (g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No ☒ Shoplifting forgery 2nd

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: N/A

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Pro Se
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

11/1/06

(date)

Paul J. Romano Jr
Signature of Petitioner

Certificate of Service

I Paul J. Romano, swear under Penalty of Perjury that I HAVE MAILED a True copy of the enclosed letters Requesting specific Performance of the court order to U.S. District Court, 500 N. King St. W.1, Dela, 19801, 1st class Postage Prepaid By Prison Authorities by depositing same As U.S. Mail Box at the CUOP Central, Smyrna, Delaware 19977. on the 1, day of October, 2006

Paul J. Romano

11/1/06